

STATE OF SOUTH CAROLINA

(Caption of Case)

Petition of the Office of Regulatory Staff to Establish  
Dockets to Consider Implementing the Requirements  
of Section 1251 (Net Metering and Additional  
Standards of the Energy Policy Act of 2005)

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET  
NUMBER: 2005 - 385 - E

(Please type or print)

Submitted by: Catherine E. HeigelSC Bar Number: 9268Address: 526 S. Church Street, EC03TTelephone: 704-382-8123Charlotte, NC 28202Fax: 704-382-5690

Other: \_\_\_\_\_

Email: catherine.heigel@duke-energy.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☒ Other: Motion for Admission Pro Hac Vice and Verified Application of Brian Lamont Franklin

## INDUSTRY (Check one)

## NATURE OF ACTION (Check all that apply)

☒ Electric☐ Affidavit☐ Letter☐ Request☐ Electric/Gas☐ Agreement☐ Memorandum☐ Request for Certification☐ Electric/Telecommunications☐ Answer☒ Motion☐ Request for Investigation☐ Electric/Water☐ Appellate Review☐ Objection☐ Resale Agreement☐ Electric/Water/Telecom.☐ Application☐ Petition☐ Resale Amendment☐ Electric/Water/Sewer☐ Brief☐ Petition for Reconsideration☐ Reservation Letter☐ Gas☐ Certificate☐ Petition for Rulemaking☐ Response☐ Railroad☐ Comments☐ Petition for Rule to Show Cause☐ Response to Discovery☐ Sewer☐ Complaint☐ Petition to Intervene☐ Return to Petition☐ Telecommunications☐ Consent Order☐ Petition to Intervene Out of Time☐ Stipulation☐ Transportation☐ Discovery☐ Prefiled Testimony☐ Subpoena☐ Water☐ Exhibit☐ Promotion☐ Tariff☐ Water/Sewer☐ Expedited Consideration☐ Proposed Order☐ Other: \_\_\_\_\_☐ Administrative Matter☐ Interconnection Agreement☐ Protest☐ Other: \_\_\_\_\_☐ Interconnection Amendment☐ Publisher's Affidavit☐ Late-Filed Exhibit☐ Report

Print form

Reset form

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-385-E

In the Matter of:	)	
	)	
Petition of the Office of Regulatory Staff	)	
to Establish Dockets to Consider	)	MOTION FOR ADMISSION <i>PRO</i>
Implementing the Requirements of	)	<i>HAC VICE</i>
Section 1251 (Net Metering and	)	
Additional Standards of the Energy	)	
Policy Act of 2005)	)	

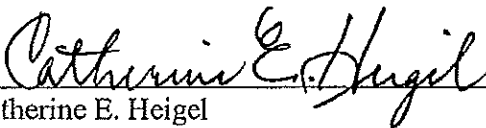
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Duke Energy Carolinas, LLC ("Duke Energy Carolinas" or the "Company") hereby moves the Public Service Commission of South Carolina (the "Commission") to permit Brian Lamont Franklin to practice *pro hac vice* before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Mr. Franklin, together with counsel of record, is simultaneously filing a copy of the Verified Application for Admission *Pro Hac Vice* with the South Carolina Supreme Court. Attached is the original Verified Application.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Duke Energy Carolinas requests this motion be granted.

Dated this 28<sup>th</sup> day of May 2009.

  
\_\_\_\_\_  
Catherine E. Heigel  
Associate General Counsel  
Duke Energy Carolinas, LLC  
526 S. Church Street, EC03T  
Charlotte, North Carolina 28202

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2005-385-E**

In the Matter of:	)	
	)	
Petition of the Office of Regulatory Staff	)	
to Establish Dockets to Consider	)	<b>CERTIFICATE OF SERVICE</b>
Implementing the Requirements of	)	
Section 1251 (Net Metering and	)	
Additional Standards of the Energy	)	
Policy Act of 2005)	)	

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This is to certify that I have caused to be served this 28<sup>th</sup> day of May 2009 one copy of Duke Energy Carolina, LLC's *Motion for Admission Pro Hac Vice* via first class United States mail, postage prepaid, to the persons named below at the addresses set forth:

Catherine D. Taylor  
South Carolina Electric and Gas Company  
1426 Main Street, MC 130  
Columbia, SC 29201

John F. Hardaway  
Attorney at Law  
1338 Pickens Street  
Columbia, SC 29201

K. Chad Burgess  
South Carolina Electric and Gas Company  
1426 Main Street, MC 130  
Columbia, SC 29201

Len S. Anthony  
P. O. Box 1551  
Raleigh, NC 27602

Mel Jenkins  
3324 Montgomery Avenue  
Columbia, SC 29205

Nanette S. Edwards  
Office of Regulatory Staff  
1441 Main Street, Suite 300  
Columbia, SC 29201

Pamela Greenlaw  
1001 Wotan Road  
Columbia, SC 29229

Ruth Thomas  
1339 Sinkler Road  
Columbia, SC 29201

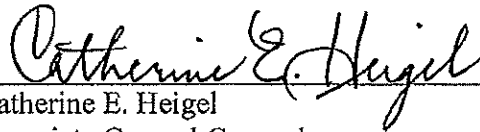
Shannon Bowyer Hudson  
Office of Regulatory Staff  
P. O. Box 11263  
Columbia, SC 29211

Richard L. Whitt  
Austin & Rogers, PA  
P. O. Box 11716  
Columbia, SC 29201

David O'Dell  
154 Greybridge Road  
Pelzer, SC 29669

Elizabeth M. Smith  
611 North Shore Drive  
Charleston, SC 29412

This 28<sup>th</sup> day of May 2009.

A handwritten signature in cursive script, reading "Catherine E. Heigel", written over a horizontal line.

Catherine E. Heigel  
Associate General Counsel  
Duke Energy Carolinas, LLC  
P. O. Box 1006, EC03T  
Charlotte, NC 28201-1006  
Tel: 704-382-8123  
Email: Catherine.Heigel@duke-energy.com



OFFICE OF THE GENERAL COUNSEL

Duke Energy Corporation  
EC03T / P.O. Box 1006  
Charlotte, NC 28201

CATHERINE E. HEIGEL  
Associate General Counsel  
704.382.8123 OFFICE  
704.382.5690 FAX  
catherine.heigel@duke-energy.com

May 28, 2009

VIA OVERNIGHT DELIVERY

South Carolina Supreme Court  
Office of Bar Admissions  
1231 Gervais Street  
Columbia, South Carolina 29201


Re: SC PSC Docket Nos. 2005-385-E (Net Metering); 2009-3-E (Duke Energy Carolinas, LLC Fuel); and 2008-447-EG (Smart Grid)

Dear Clerk:

Enclosed for filing please find a copy of three Applications for Admission Pro Hac Vice and Certificate of Good Standing of Brian Lamont Franklin in the above-referenced cases. Also enclosed is the required filing fee of \$250.00 per Application.

Should you need additional information, please contact me at the number listed above.

Sincerely,



Catherine E. Heigel

Enclosures

cc: Parties of Record  
Mr. Charles Terreni, Chief Clerk, SC PSC

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA**

IN THE MATTER OF:

Docket No. 2005-385-E

Petition of the Office of Regulatory Staff to  
Establish Dockets to Consider Implementing the  
Requirements of Section 1251 (Net Metering and  
Additional Standards of the Energy Policy Act of  
2005)

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

Comes now, Brian L. Franklin, applicant herein, and respectfully represents the following:

1. Applicant resides at:

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)  
Duke Energy Corporation, with offices at  
526 South Church Street  
Street Address  

<u>Charlotte</u> City	<u>Mecklenburg</u> County	<u>North Carolina</u> State	<u>28202</u> Zip Code
<u>980-373-4465</u> Telephone		<u>704-382-4494</u> Fax Number	

3. Applicant has been retained personally or as a member of the above named law firm by Duke Energy Carolinas, LLC to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since June of 2006, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of North Carolina where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:  
United States District Court, Northern District of Illinois

Date Admitted:  
May 2001

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before).

Applicant no longer is licensed to practice in Illinois. Applicant allowed registration to lapse following permanent relocation to North Carolina in 2006.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Not applicable

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable

9. Local counsel of record associated with applicant in this case is Catherine E. Heigel, of Duke Energy Corporation, which has offices at:

526 South Church Street

Street Address

Charlotte

City

Mecklenburg

County

North Carolina

State

28202

Zip Code

704-382-8123

Telephone

If applicable list all other firms/attorneys you are associated with in this matter

Not applicable

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant has not previously filed applications to appear *pro hac vice* for cases in South Carolina. However, simultaneous with this application, Applicant is filing applications to appear *pro hac vice* in the following two matters:

- Before the Public Service Commission of South Carolina, Docket No. 2009-3-E, Annual Review of Base Rates for Fuel Costs for Duke Energy Carolinas, LLC; Local counsel of record is Catherine E. Heigel of Duke Energy Corporation; and
- Before the Public Service Commission of South Carolina, Docket No. 2008-447-EG, Petition to Establish Docket to Consider Implementing the Requirements of: Section

1307 (State Consideration of Smart Grid) of the Energy Independence & Security Act of 2007; Local counsel of record is Catherine E. Heigel of Duke Energy Corporation.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 28<sup>th</sup> day of May, 2009.

  
APPLICANT

VERIFICATION

STATE OF North Carolina )

COUNTY OF Mecklenburg )

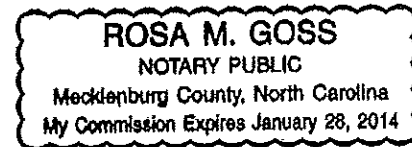
I, Brian L. Franklin, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

Brian L. Franklin  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 20<sup>th</sup> day of May, 2009.

R. M. Goss  
Notary Public for the State of North Carolina

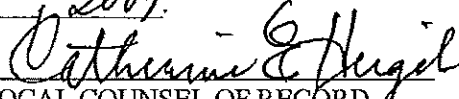
My Commission Expires: 1/28/2014



### LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 28<sup>th</sup> day of May, 2009.

  
LOCAL COUNSEL OF RECORD

### CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 28<sup>th</sup> day of May, 2009.

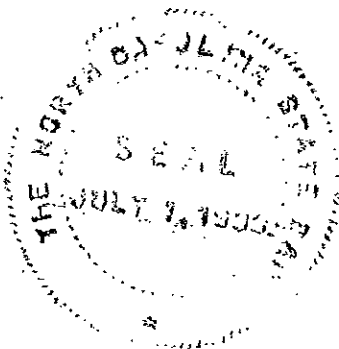
  
APPLICANT/AFFIANT

# The North Carolina State Bar

I, L. Thomas Lunsford, II, Secretary of the North Carolina State Bar, do hereby certify that Mr. Brian Lamont Franklin (35075) was licensed to practice law by the State of North Carolina on June 30, 2006. Said lawyer is presently eligible to practice law in North Carolina and, therefore, in good standing with the North Carolina State Bar. This certificate has no reference to delinquent membership obligations, prior discipline, or any disciplinary charges or grievances that may be pending.

Given over my hand and the Seal of the North Carolina State Bar, this

29th day of April, 2009.



A handwritten signature in dark ink, appearing to read "L. Thomas Lunsford, II".

Secretary of the North Carolina State Bar